

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No. 07-129-SLR
)	
MICHAEL HENRY,)	
)	
Defendant.)	

MOTION TO DISMISS

NOW COMES the United States of America, by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware, and Christopher J. Burke, Assistant United States Attorney for the District of Delaware, and hereby moves to dismiss with prejudice, pursuant to the terms of the Memorandum of Plea Agreement, Counts Two and Three of the Indictment in the above-captioned case.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

BY: Christopher J. Burke
Christopher J. Burke
Assistant United States Attorneys

Dated: April 3, 2008

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No. 07-129-SLR
)	
MICHAEL HENRY,)	
)	
Defendant.)	

ORDER

AND NOW this _____ day of _____, 2008, upon consideration of the government's Motion to Dismiss Counts Two and Three of the Indictment filed in the above-captioned case,

IT IS ORDERED that the government's motion is granted. Counts Two and Three of the Indictment are hereby dismissed with prejudice.

Honorable Sue L. Robinson
United States District Judge